

REMARKS

Claims 48 – 58 and 60 - 66 are pending in the present application. Claims 63 and 64 have been withdrawn from consideration. Claims 48 – 58, 60 – 62, 65 and 66 have been rejected in the present Office Action.


Claims 48 – 58, 60-62, 65 and 66 were rejected under 35 U.S.C. 102(b) as anticipated by, or in the alternative under 35 U.S.C. 103 as unpatentable over U.S. Patent No. 5,194,263, issued to Chamberlain et al. Claims 48 and 66 have been cancelled. New claims 67 – 69 have been added based on the originally filed PCT application. The claimed redispersible powder in claim 67 and the process for its preparation in claim 69 is more clearly defined by reactive groups (supported on p. 5, l. 22-31 (PCT application), particles with a heterogeneous morphology, at least one polymer phase with a glass transition temperature of below +50°C (supported on p. 11, l. 1-13). The rearrangement of the wording “...obtained by polymerization of at least one comonomer with at least one initiator in an aqueous medium in the presence of a polymer with cationic functionality having one or more reactive groups...” makes it clearer what is the polymer with cationic functionality having one or more reactive groups and acting as stabilizer of the other polymer formed, thus resulting in heterogeneous particles. Furthermore, the detailed listing of the different monomer used to prepare the polymer with cationic functionality helps to clarify what different types of monomers can be taken: “... the polymer with cationic functionality being obtained by polymerization in an aqueous medium of olefinically unsaturated monomers and wherein the olefinically unsaturated monomers comprise a) at least one monomer having cationic functionality and at least one monomer having reactive groups or b) at least one monomer having cationic functionality and reactive groups, ...”. This is supported e.g. by examples 1 and 2. In example 1, p. 18, l. 26+27 of the PCT application, a cationic monomer having a reactive group is used (the so called DMAPMA-epi), representing the category “3. said monomer having a cationic functionality and simultaneously reactive groups”. In example 2, a cationic monomer is used (so called MAPTAC, see p. 19, l. 11+12) as well as a monomer with a reactive group (glycidyl methacrylate, see p. 19, l. 14), representing the category “1. at least one of said monomers having a cationic functionality and 2. at least one of the olefinically unsaturated

monomer having reactive groups". Chamberlain, however, describes a very different technology based on coacervation rather than the process as defined in claim 69. Furthermore, the powders described by Chamberlain are not redispersible and do not contain any disclosure, teaching or suggestion that they may be redispersible. Accordingly, it is respectfully submitted that claims 49 – 62 and 65 are patentable under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) over Chamberlain.

Claims 48 – 58, 60 – 62 and 65 – 66 were rejected under the judicially created doctrine of obviousness-type double patenting over the claims of U.S. Patent No. 6,559,236. Applicants are herewith submitting a terminal disclaimer. Accordingly, it is respectfully requested that the Examiner withdraw the rejection under the judicially created doctrine of obviousness-type double patenting.

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance. If there are any issues that the Examiner wishes to discuss, he is invited to contact the undersigned attorney at the telephone number set forth below.

Respectfully submitted,



Charles W. Almer
Reg. No. 36,731
Tel. No. 908 707-3738

National Starch and Chemical Company
10 FINDERNE AVENUE
BRIDGEWATER, NJ 08807
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